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GIL CROSTHWAITE, et al.,

Case No.: C07-1564 JSW

Plaintiffs,

**REQUEST FOR STIPULATED
DISMISSAL**

v.

WESTERN TRACTION II, INC., et al.

Defendants.

The parties herein request the dismissal of this action *with prejudice* as to defendant Ron Carlston, Jr., and *without prejudice* as to defendant Western Traction II, Inc., as provided in paragraph 2H of their “Stipulation for Entry of Judgment” filed this day.

Pursuant to that Stipulation, judgment is not to be entered until such time, if any, as Defendant Western Traction II, Inc. defaults on the stipulated payment terms, as detailed in that Stipulation.

The parties further stipulated that the court shall retain jurisdiction of this matter, as provided in that same paragraph 2H.

IT IS SO ORDERED:

Dated: January 2, 2008

UNITED STATES DISTRICT COURT JUDGE



C 07-1564 JSW